

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**BMG RIGHTS MANAGEMENT** )  
**(US) LLC, and ROUND HILL** )  
**MUSIC LP** )

Plaintiffs, )

V. )

Case No. 1:14-cv-1611(LO/JFA)

**COX COMMUNICATIONS, INC.,** )  
**COXCOM, LLC** )  
 Defendants. )

**[Plaintiffs' Proposed] Verdict Form**

We the jury, in the above captioned action, answer the questions submitted to us as follows:

**Question 1: Direct infringement:**

Did BMG prove by a preponderance of the evidence that users of Cox's internet services infringed the BMG Copyrighted Works?

*Answer:*      Yes \_\_\_\_\_                      No \_\_\_\_\_

If you answered yes to Question 1, you should proceed to Question 2.

**Question 2: Knowledge of infringement:**

(a) Did BMG prove by a preponderance of the evidence that Cox knew, strongly suspected, or had reason to know of infringement of the BMG Copyrighted Works using its internet service?

*Answer:* Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered yes to Question 2(a), you should proceed to Question 3. If you answered no to question 2(a), you should answer Question 2(b).

(b) Did BMG prove by a preponderance of the evidence that Cox was on notice of infringement of the BMG Copyrighted Works using its internet service?

*Answer:* Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered yes to Question 2(b), you should proceed to Question 3. If you answered no to question 2(b), you should answer Question 2(c).

(c) Did BMG prove by a preponderance of the evidence that Cox was willfully blind to infringement of the BMG Copyrighted Works using its internet service?

*Answer:* Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered yes to any part (a, b, or c) of Question 2, you should proceed to Question 3. If you answered no to all parts of Question 2 (a, b, and c), you should proceed to Question 4.

**Question 3: Material contribution:**

Did BMG prove by a preponderance of the evidence that Cox materially contributed to its users' infringement of the BMG Copyrighted Works?

*Answer:*      Yes \_\_\_\_\_                      No \_\_\_\_\_

You should proceed to Question 4.

**Question 4: Right and ability to supervise:**

Did BMG prove by a preponderance of the evidence that Cox had the right and ability to supervise its users infringing activity?

*Answer:*      Yes \_\_\_\_\_                      No \_\_\_\_\_

If you answered yes to question 4, you should proceed to Question 5. If you answered no to Question 4, you should proceed to Question 6.

**Question 5: Financial benefit:**

Did BMG prove by a preponderance of the evidence that Cox obtained a direct financial benefit from its subscribers' infringing activity?

*Answer:*      Yes \_\_\_\_\_                      No \_\_\_\_\_

You should proceed to Question 6.

You should answer Question 6 if you answered yes to:

- (a) Question 1 and any part of Question 2 (a, b, or c) and Question 3; or
- (b) Question 1 and Question 4 and Question 5

If neither of those is the case, you do not need to answer Question 6 or 7.

**Question 6: Willfulness:**

Did BMG prove by a preponderance of the evidence that Cox's alleged violations were willful?

- (a) Contributory infringement (Questions 2 – 3)

*Answer:* Yes \_\_\_\_\_ No \_\_\_\_\_

- (b) Vicarious infringement (Questions 4 – 5)

*Answer:* Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered no to **both** Questions 6(a) and 6(b), you should answer Question 7(a). If you answered yes to **either** Question 6(a) or 6(b), you should answer Question 7(b).

**Question 7: Damages:**

(a) If you answered no to both questions 6(a) and 6(b), enter the amount of statutory damages that BMG should be awarded per copyrighted work infringed. The amount must be between \$750 and \$30,000 per copyrighted work:

*Amount of statutory damages per copyrighted work infringed:* \$\_\_\_\_\_

(b) If you found willfulness by answering yes to either question 6(a) or 6(b), you may, but are not required to, increase the amount to a sum as high as \$150,000 per copyrighted work:

*Amount of statutory damages per copyrighted work infringed:* \$\_\_\_\_\_



November 24, 2015

Respectfully submitted,

/s/ Jeremy D. Engle

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 24, 2015, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

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